

### REMARKS

This application has been reviewed in light of the Office Action dated October 17, 2001. Claims 1-16 are presented for examination. Claims 1, 2, 14, and 16 have been amended to define more clearly what Applicants regard as their invention. Claims 1 and 14 are in independent form. Favorable reconsideration is requested.

The title has been amended to be more consistent with the claimed subject matter.

Applicants note with appreciation the indication that Claims 1-13 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112. Since, as discussed below, the latter claims have been so rewritten, they are now believed to be in condition for allowance.

Claims 14-16 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Specifically, the Office Action stated that these claims were directed to more than one statutory class of invention.

As an initial matter, the basis for this rejection is unclear. The Examiner cites 35 U.S.C. § 101 and states that it is "drafted so as to set forth the statutory classes of invention in the alternative only." (Office Action at page 3). However, Applicants are aware of no authority that interprets the law in this manner, nor any regulation or procedure of the U.S.P.T.O. that requires an invention to be limited to a single statutory classification. To the contrary, the M.P.E.P. states that "[o]ffice personnel should classify each claim into one or more statutory or nonstatutory categories." M.P.E.P. § 2106(IV)(B)(emphasis in original).

Nevertheless, Claim 14 has been amended to clarify that it is directed to a method for performing optical scanning using an optical scanning apparatus, rather than a method for manufacturing an optical scanning apparatus. Thus, it is now more clear that the claim is directed to a method and that the preamble recites an environment in which the method is performed. Claim 15 is a method claim that depends from Claim 14. Claim 16 has been amended to clarify that it is a method claim that depends from Claim 14.

Accordingly, it is believed that the rejection under 35 U.S.C. § 101 has been obviated and its withdrawal is therefore respectfully requested

Claims 1-16 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite.

The claims have been carefully reviewed and amended as deemed necessary to ensure that they conform fully to the requirements of Section 112, second paragraph, with special attention to the points raised in paragraph 2 of the Office Action. Specifically, Claim 1 has been amended to correct the lack of antecedent basis. Claim 2 has been amended to remove the phrase in quotations. Claims 14 and 16 have been amended, as discussed above, to clarify that they are directed to a method for performing optical scanning using an optical scanning apparatus, rather than a method for manufacturing an optical scanning apparatus.

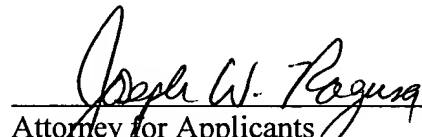
Accordingly, it is believed that the rejection under Section 112, second paragraph, has been obviated and its withdrawal is therefore respectfully requested.

Independent Claim 14 is a method claim corresponding to apparatus Claim 1 and is believed to be patentable for at least the same reasons as Claim 1. Claims 15 and 16 depend from Claim 14 and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

  
\_\_\_\_\_  
Attorney for Applicants  
Registration No. 38,586

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

VERSION WITH MARKINGS TO SHOW CHANGES MADE TO CLAIMS

1. (Amended) An optical scanning apparatus comprising:  
  
a laser unit in which a light source and collimator lens are integrated;  
  
an incident optical system for making a light beam emerging from said laser unit strike an optical deflector while keeping the light beam wider than a width of a deflecting surface of the optical deflector in a main scanning direction; and  
  
an imaging optical system for forming the light beam reflected/deflected by the optical deflector into an image on a scanned surface,  
  
wherein said laser unit is adapted to be shifted by shift adjusting means in a predetermined direction with respect to [the] an optical axis of said incident optical system so as to make an illuminance distribution of scanning lines on the scanned surface become substantially symmetrical about a scanning central axis.
2. (Amended) An apparatus according to claim 1, wherein the ["substantially symmetrical" indicates that an] illuminance distribution on the scanned surface falls within  $\pm 5\%$  with respect to the scanning central axis in an effective scanning range.  
  
light beam.
14. (Amended) A method [of manufacturing] for performing optical scanning using an optical scanning apparatus including a laser unit in which a light source and collimator

lens are integrated, an incident optical system for making a light beam emerging from the laser unit strike an optical deflector while keeping the light beam wider than a width of a deflecting surface of the optical deflector in a main scanning direction, and an imaging optical system for forming the light beam reflected/deflected by the optical deflector into an image on a scanned surface, the method comprising the step of:

[causing shift adjusting means to shift] shifting the laser unit in a predetermined direction with respect to the optical axis of the incident optical system so as to make an illuminance distribution of scanning lines on the scanned surface become substantially symmetrical about a scanning central axis.

16. (Amended) The method of [A method of manufacturing an image forming apparatus by forming the optical scanning apparatus manufactured by the method defined in] claim 14, [and] further comprising the step of providing a controller for converting code data input from an external device into an image signal and inputting the signal to the optical scanning apparatus.